

MONDAY, MAY 8, 2000

SEVENTY-FIFTH LEGISLATIVE DAY

The House met at 4:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative John DeBerry.

Representative John DeBerry led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Brown; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 567: Rep(s). Caldwell as prime sponsor(s).

House Joint Resolution No. 671: Rep(s). Hood and Eckles as prime sponsor(s).

House Joint Resolution No. 672: Rep(s). Hood and Eckles as prime sponsor(s).

House Joint Resolution No. 673: Rep(s). Hood and Eckles as prime sponsor(s).

House Joint Resolution No. 674: Rep(s). Hood and Eckles as prime sponsor(s).

House Joint Resolution No. 675: Rep(s). Hood and Eckles as prime sponsor(s).

House Joint Resolution No. 679: Rep(s). Hood and Eckles as prime sponsor(s).

House Joint Resolution No. 680: Rep(s). Hood and Eckles as prime sponsor(s).

House Joint Resolution No. 681: Rep(s). Hood and Eckles as prime sponsor(s).

House Joint Resolution No. 682: Rep(s). Hood and Eckles as prime sponsor(s).

House Joint Resolution No. 683: Rep(s). Hood and Eckles as prime sponsor(s).

House Joint Resolution No. 684: Rep(s). Hood and Eckles as prime sponsor(s).

House Joint Resolution No. 686: Rep(s). White as prime sponsor(s).

House Joint Resolution No. 689: Rep(s). Garrett as prime sponsor(s).

House Bill No. 2452: Rep(s). Mumpower as prime sponsor(s).

House Bill No. 2523: Rep(s). Cooper and Maddox as prime sponsor(s).

House Bill No. 2769: Rep(s). Montgomery, Patton, Walker, Godsey, Davis (Washington), Mumpower and Caldwell as prime sponsor(s).

House Bill No. 3017: Rep(s). Boyer, McDaniel, Givens, Cole (Dyer), Phelan and Turner (Hamilton) as prime sponsor(s).

House Bill No. 3170: Rep(s). Beavers, Black, Hargett and Baird as prime sponsor(s).

MESSAGE FROM THE SENATE

May 5, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2769, 2959, 3110 and 3204; all passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

Senate Bill No. 2769 -- Pharmacy, Pharmacists - Enacts "Standardized Pharmacy Benefit Identification Card Act." Amends TCA Title 56 and Title 71, Chapter 5. by *McNally, *Kurita. (*HB2379 by *Rhinehart)

***Senate Bill No. 2959** -- Fireworks - Equalizes all permit fees charged by state fire marshal for fireworks, except for display, to that presently paid by manufacturer, distributor and retailer, by increasing fee wholesaler pays from \$250 to \$750 and by increasing fee seasonal retailer pays from \$25.00 to \$750. Amends TCA Section 68-104-102. by *Haynes. (HB2847 by *Garrett)

Senate Bill No. 3110 -- Safety - Permits imposition of follow-up elevator inspection fees; removes specified fees for boiler and pressure vessel inspections and certificates and places fee determination under general regulatory authority of board of boiler rules Amends TCA Title 68, Chapter 121, and Chapter 122. by *Cooper. (*HB3038 by *Whitson, *McDaniel)

Senate Bill No. 3204 -- State Employees - Creates cause of action for state employees who are threatened, discharged, or otherwise discriminated against for reporting improper government activities. Amends TCA Title 8, Chapter 50, Part 1. by *Haynes, *Blackburn, *Kurita. (*HB3170 by *McMillan, *Jones, S., *Naifeh, *Beavers, *Black, *Hargett, *Baird)

MESSAGE FROM THE SENATE

May 5, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 751, 752, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 768, 769, 770, 771, 772 and 774; all adopted for concurrence.

RUSSELL HUMPHREY, Acting Chief Clerk.

Senate Joint Resolution No. 751 -- Memorials, Retirement - Haywood Harris. by *Burchett.

Senate Joint Resolution No. 752 -- Memorials, Heroism - General Jim Cowan, Legion of Merit Medal recipient. by *Springer, P., *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, J., *Springer, P., *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 756 -- Memorials, Academic Achievement - Sara Katrina McWhorter, Valedictorian, MAHEA. by *Kyle, *Leatherwood.

Senate Joint Resolution No. 757 -- Memorials, Academic Achievement - Crystal Allison Thigpen, 2000 Valedictorian, Trezevant High School. by *Kyle, *Leatherwood.

Senate Joint Resolution No. 758 -- Memorials, Death - Neal Lee Jennings, Sr. by *Rochelle.

Senate Joint Resolution No. 759 -- Memorials, Academic Achievement - Emily Chandler, Valedictorian, Ezell-Harding Christian High School. by *Rochelle.

Senate Joint Resolution No. 760 -- Memorials, Academic Achievement - Chelsey Bason, Salutatorian, Ezell-Harding Christian School. by *Rochelle.

Senate Joint Resolution No. 761 -- Memorials, Academic Achievement - Brandon Douglas Akers, Salutatorian, Monterey High School. by *Burks.

Senate Joint Resolution No. 762 -- Memorials, Academic Achievement - Daniel Mitchell Buckner, Valedictorian, Monterey High School. by *Burks.

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Senate Joint Resolution No. 763 -- Memorials, Sports - 1999-2000 White Station High School boys' basketball team, TSSAA Class AAA state champions. by *Cohen, *Leatherwood.

Senate Joint Resolution No. 764 -- Memorials, Academic Achievement - Bianca White, Valedictorian, Westside High School. by *Kyle, *Leatherwood.

Senate Joint Resolution No. 765 -- Memorials, Academic Achievement - Charmene Luellen, Salutatorian, Westside High School. by *Kyle, *Leatherwood.

Senate Joint Resolution No. 766 -- Naming and Designating - National Teacher Day in Tennessee, May 9, 2000. by *Womack, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, J, *Springer, P, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 768 -- Memorials, Sports - Ridgeway High School boys' basketball team, TSSAA Class AA state champions. by *Cohen, *Leatherwood.

Senate Joint Resolution No. 769 -- Memorials, Sports - Chris Woodruff, Knoxville tennis professional. by *Burchett.

Senate Joint Resolution No. 770 -- Memorials, Death - Samuel M. Fleming. by *Henry, *Blackburn.

Senate Joint Resolution No. 771 -- Memorials, Academic Achievement - Cristen Camille Young, Valedictorian, Frayser High School. by *Kyle, *Leatherwood.

Senate Joint Resolution No. 772 -- Memorials, Academic Achievement - Kimberly Monique Jones, Salutatorian, Frayser High School. by *Kyle, *Leatherwood.

Senate Joint Resolution No. 774 -- Memorials, Recognition - Tiffany Frazier. by *Davis L.

**MESSAGE FROM THE SENATE
May 5, 2000**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1218, 1721, 2023, 2329, 2338, 2474, 2550, 2557, 2559, 2584, 2673, 2898, 2993, 3089; also, Senate Joint Resolution(s) No(s). 754 and 773 for the signature of the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

**SIGNED
May 5, 2000**

The Speaker signed the following: Senate Bill(s) No(s). 1218, 1721, 2023, 2329, 2338, 2474, 2550, 2557, 2559, 2584, 2673, 2898, 2993, 3089; also, Senate Joint Resolution(s) No(s). 754 and 773.

MESSAGE FROM THE SENATE

May 8, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2257; passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

***Senate Bill No. 2257** -- Uniform Commercial Code - Revises Article 9; adjusts filing fees, taxes and allocations; provides transition provisions; makes coordinating and conforming changes Amends TCA Title 47; Title 39, Chapter 11, Part 7; Title 40, Chapter 33, Part 2; Title 43; Title 55, Chapter 3; Title 56, Chapter 37; and Sections 8-13-108, 8-21-1001, 8-37-604, 36-5-901, 45-15-104, 45-17-118, 67-1-1403, and 67-4-409. by *Rochelle. (HB2377 by *Fitzhugh, *Rhinehart, *Bunch)

ENROLLED BILLS

May 8, 2000

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2121, 2124, 2510, 2659, 2715, 2735, 2760, 2787, 2883, 2987, 3128, 3171, 3297, 3301, 3308; House Joint Resolution(s) No(s). 598, 599, 600, 601, 602, 603, 604, 606, 607, 608, 609, 612, 613, 614, 615, 616, 617, 618, 619, 621, 653; also, House Resolution(s) No(s). 202 and 209.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 8, 2000

The Speaker signed the following: House Bill(s) No(s). 2121, 2124, 2510, 2659, 2715, 2735, 2760, 2787, 2883, 2987, 3128, 3171, 3297, 3301, 3308; House Joint Resolution(s) No(s). 598, 599, 600, 601, 602, 603, 604, 606, 607, 608, 609, 612, 613, 614, 615, 616, 617, 618, 619, 621, 653; also, House Resolution(s) No(s). 202 and 209.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 8, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2121, 2124, 2510, 2659, 2715, 2735, 2760, 2787, 2883, 2987, 3128, 3171, 3297, 3301, 3308; also, House Joint Resolution(s) No(s). 598, 599, 600, 601, 602, 603, 604, 606, 607, 608, 609, 612, 613, 614, 615, 616, 617, 618, 619, 621 and 653; signed by the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
May 8, 2000

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2121, 2124, 2510, 2659, 2715, 2735, 2760, 2787, 2883, 2987, 3128, 3171, 3297, 3301, 3308; also, House Joint Resolution(s) No(s). 598, 599, 600, 601, 602, 603, 604, 606, 607, 608, 609, 612, 613, 614, 615, 616, 617, 618, 619, 621 and 653.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 8, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2425; passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

***Senate Bill No. 2425** -- Education - Establishes standard by which school pupil subject to mandatory attendance is found to be "habitual truant" or "truant"; authorizes law enforcement officer and school attendance officer to pick up and deliver truant to parent, guardian, school principal or truancy center; provides such officers with civil immunity for such actions unless found to be outside scope of employment or performed with gross negligence or willful misconduct. Amends TCA Title 49, Chapter 6. by *Dixon, *Kyle, *Burks. (HB3149 by *Jones U (Shelby), *DeBerry J, *Miller L, *Turner (Shelby), *Bowers, *DeBerry L)

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep. Montgomery was recognized in the Well to introduce the 1999 Sevier County High School football team, TSSAA Class 5-A state champions, for remarks.

RESOLUTION READ

The Clerk read House Joint Resolution No. 577 honoring the team on their accomplishments.

House Joint Resolution No. 577 -- Memorials, Sports - 1999 Sevier County High School football team, TSSAA Class 5-A state champions. by *Montgomery.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 685** -- General Assembly, Studies - Creates joint study committee to study mental health and chemical dependency utilization review procedures and requirements. by *Walley.

House Calendar and Rules Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 11, 2000:

House Resolution No. 215 -- Memorials, Professional Achievement - Gail Martin, All Tennessee School Board Member. by *Caldwell.

House Resolution No. 216 -- Memorials, Retirement - Martha Gail Fox. by *Boyer.

House Resolution No. 217 -- Memorials, Public Service - Pleasant View Volunteer Fire Department. by *Davidson.

House Resolution No. 218 -- Memorials, Interns - Alyson Brook Grimes. by *McMillan.

House Joint Resolution No. 692 -- Memorials, Academic Achievement - Robert Adam Veillion, Salutatorian, Forge Ridge High School. by *Goins.

House Joint Resolution No. 693 -- Memorials, Academic Achievement - Brandon Jerry Lambert, Valedictorian, Powell Valley High School. by *Goins.

House Joint Resolution No. 694 -- Memorials, Academic Achievement - Randall Jay Drummonds, Salutatorian, Powell Valley High School. by *Goins.

House Joint Resolution No. 695 -- Memorials, Retirement - Michael Lee Adcock. by *Bone.

House Joint Resolution No. 696 -- Memorials, Academic Achievement - Robert Gregory York, Valedictorian, Jellico High School. by *Baird.

House Joint Resolution No. 697 -- Memorials, Academic Achievement - Alisa Renee Parrott, Salutatorian, Jellico High School. by *Baird.

House Joint Resolution No. 698 -- Memorials, Academic Achievement - Victoria Angeliue Davis, Salutatorian, Jellico High School. by *Baird.

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House Joint Resolution No. 699 -- Memorials, Academic Achievement - Carter County High School Scholars' Bowl team, second place WSJK Scholars Bowl tournament. by *Boyer.

House Joint Resolution No. 700 -- Memorials, Recognition - Milan High School Band. by *Pinion, *Phelan.

House Joint Resolution No. 701 -- Memorials, Sports - Kelli Shoopman, Clinton High School soccer player. by *Caldwell.

House Joint Resolution No. 702 -- Memorials, Professional Achievement - Helen Long, Clarksville-Montgomery County School System Distinguished Teacher of the Year. by *McMillan, *Head.

House Joint Resolution No. 703 -- Memorials, Retirement - Brenda Stone, Clarksville Academy. by *McMillan, *Head, *Patton.

House Joint Resolution No. 704 -- Memorials, Death - Jewell Catherine Hendley Medley. by *Hargrove.

House Joint Resolution No. 705 -- Memorials, Academic Achievement - Jessica Welch, Salutatorian, Powell Valley High School. by *Goins.

House Joint Resolution No. 706 -- Memorials, Academic Achievement - Gary W. Brown, Valedictorian, Forge Ridge High School. by *Goins.

House Joint Resolution No. 708 -- Memorials, Academic Achievement - David Cox, Valedictorian, Riverdale High School. by *Beavers, *Eckles, *Hood.

House Joint Resolution No. 709 -- Memorials, Academic Achievement - Benjamin Brent Ogles, Valedictorian, Riverdale High School. by *Beavers, *Eckles, *Hood.

House Joint Resolution No. 710 -- Memorials, Academic Achievement - Susan Lavendar, Salutatorian, Middle Tennessee Christian High School. by *Beavers, *Eckles, *Hood.

House Joint Resolution No. 711 -- Memorials, Retirement - Jane Poole. by *Hood, *Eckles, *Beavers.

House Joint Resolution No. 712 -- Memorials, Academic Achievement - Deborah Carroll Odom, Valedictorian, Middle Tennessee Christian School. by *Beavers, *Eckles, *Hood.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 11, 2000:

Senate Joint Resolution No. 751 -- Memorials, Retirement - Haywood Harris. by *Burchett.

Senate Joint Resolution No. 752 -- Memorials, Heroism - General Jim Cowan, Legion of Merit Medal recipient. by *Springer, P., *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, J., *Springer, P., *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 756 -- Memorials, Academic Achievement - Sara Katrina McWhorter, Valedictorian, MAHEA. by *Kyle, *Leatherwood.

Senate Joint Resolution No. 757 -- Memorials, Academic Achievement - Crystal Allison Thigpen, 2000 Valedictorian, Trezevant High School. by *Kyle, *Leatherwood.

Senate Joint Resolution No. 758 -- Memorials, Death - Neal Lee Jennings, Sr. by *Rochelle.

Senate Joint Resolution No. 759 -- Memorials, Academic Achievement - Emily Chandler, Valedictorian, Ezell-Harding Christian High School. by *Rochelle.

Senate Joint Resolution No. 760 -- Memorials, Academic Achievement - Chelsey Bason, Salutatorian, Ezell-Harding Christian School. by *Rochelle.

Senate Joint Resolution No. 761 -- Memorials, Academic Achievement - Brandon Douglas Akers, Salutatorian, Monterey High School. by *Burks.

Senate Joint Resolution No. 762 -- Memorials, Academic Achievement - Daniel Mitchell Buckner, Valedictorian, Monterey High School. by *Burks.

Senate Joint Resolution No. 763 -- Memorials, Sports - 1999-2000 White Station High School boys' basketball team, TSSAA Class AAA state champions. by *Cohen, *Leatherwood.

Senate Joint Resolution No. 764 -- Memorials, Academic Achievement - Bianca White, Valedictorian, Westside High School. by *Kyle, *Leatherwood.

Senate Joint Resolution No. 765 -- Memorials, Academic Achievement - Charmene Luellen, Salutatorian, Westside High School. by *Kyle, *Leatherwood.

Senate Joint Resolution No. 768 -- Memorials, Sports - Ridgeway High School boys' basketball team, TSSAA Class AA state champions. by *Cohen, *Leatherwood.

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Senate Joint Resolution No. 769 -- Memorials, Sports - Chris Woodruff, Knoxville tennis professional. by *Burchett.

Senate Joint Resolution No. 770 -- Memorials, Death - Samuel M. Fleming. by *Henry, *Blackburn.

Senate Joint Resolution No. 771 -- Memorials, Academic Achievement - Cristen Camille Young, Valedictorian, Frayser High School. by *Kyle, *Leatherwood.

Senate Joint Resolution No. 772 -- Memorials, Academic Achievement - Kimberly Monique Jones, Salutatorian, Frayser High School. by *Kyle, *Leatherwood.

Senate Joint Resolution No. 774 -- Memorials, Recognition - Tiffany Frazier. by *Davis L.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

Senate Joint Resolution No. 766 -- Naming and Designating - National Teacher Day in Tennessee, May 9, 2000. by *Womack, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, J, *Springer, P, *Wilder, *Williams, *Womack.

House Calendar and Rules Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3307 -- Courts, New Jurisdiction - Subject to local approval, confers upon general sessions court in Morgan County concurrent jurisdiction with circuit court over domestic relations, mental health commitment and probate cases. Amends TCA Section 16-15-5004. by *Windle.

House Bill No. 3329 -- Livingston - Subject to local approval, authorizes board of mayor and aldermen to require owner of record to clean up vegetation and debris from real property. Amends Chapter 130 of the Acts of 1907; as amended. by *Windle.

House Bill No. 3330 -- Henderson County - Subject to local approval, transfers from county clerk to circuit court clerk duty to serve as clerk of general sessions court when exercising juvenile jurisdiction. by *McDaniel.

House Bill No. 3331 -- Maury County - Subject to local approval, defines composition of board of adjustments and appeals. Amends Chapter 118 of the Private Acts of 1991. by *Sands.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3334, was/were referred to the Delayed Bills Committee.

***House Bill No. 3334** -- Regional Authorities - Expands Carroll County watershed authority from Beaver Creek to all of Carroll County Amends TCA Title 64, Chapter 1, Part 8. by *Maddox, *Phelan. (SB3317 by *Carter)

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2257** -- Uniform Commercial Code - Revises Article 9; adjusts filing fees, taxes and allocations; provides transition provisions; makes coordinating and conforming changes Amends TCA Title 47; Title 39, Chapter 11, Part 7; Title 40, Chapter 33, Part 2; Title 43; Title 55, Chapter 3; Title 56, Chapter 37; and Sections 8-13-108, 8-21-1001, 8-37-604, 36-5-901, 45-15-104, 45-17-118, 67-1- 1403, and 67-4-409. by *Rochelle. (HB2377 by *Fitzhugh, *Rhinehart, *Bunch)

Senate Bill No. 2769 -- Pharmacy, Pharmacists - Enacts "Standardized Pharmacy Benefit Identification Card Act." Amends TCA Title 56 and Title 71, Chapter 5. by *McNally, *Kurita. (*HB2379 by *Rhinehart)

***Senate Bill No. 2959** -- Fireworks - Equalizes all permit fees charged by state fire marshal for fireworks, except for display, to that presently paid by manufacturer, distributor and retailer, by increasing fee wholesaler pays from \$250 to \$750 and by increasing fee seasonal retailer pays from \$25.00 to \$750. Amends TCA Section 68-104-102. by *Haynes. (HB2847 by *Garrett)

Senate Bill No. 3110 -- Safety - Permits imposition of follow-up elevator inspection fees; removes specified fees for boiler and pressure vessel inspections and certificates and places fee determination under general regulatory authority of board of boiler rules Amends TCA Title 68, Chapter 121, and Chapter 122. by *Cooper. (*HB3038 by *Whitson, *McDaniel)

Senate Bill No. 3204 -- State Employees - Creates cause of action for state employees who are threatened, discharged, or otherwise discriminated against for reporting improper government activities. Amends TCA Title 8, Chapter 50, Part 1. by *Haynes, *Blackburn, *Kurita. (*HB3170 by *McMillan, *Jones, S., *Naifeh)

Senate Bill No. 3219 -- Insurance, Health, Accident - Prohibits certain entities and employers from marketing, selling or giving away certain information regarding employees, enrollees or insureds; Class C misdemeanor; civil penalties and attorney fees provided Amends TCA Title 50 and Title 56. by *McNally, *Kurita. (*HB3220 by *Caldwell)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3322 -- Cowan -- Local Bill Held on House Desk

House Bill No. 3323 -- Dekalb County -- Local Bill Held on House Desk

House Bill No. 3324 -- Houston County -- Local Bill Held on House Desk

House Bill No. 3325 -- Erin -- Local Bill Held on House Desk

House Bill No. 3326 -- Bradford -- Local Bill Held on House Desk

House Bill No. 3327 -- Jonesborough -- Local Bill Held on House Desk

House Bill No. 3328 -- Memphis -- Local Bill Held on House Desk

CONSENT CALENDAR

House Bill No. 3118 -- Probate Law - Makes various changes to law of probate, wills, guardians, conservators, trusts, trustees, tax procedure and gift, estate and inheritance taxes Amends TCA Title 30; Title 31; Title 32; Title 34; Title 35; Title 37 and Title 67. by *Fowlkes. (*SB3034 by *Fowler)

Senate Joint Resolution No. 531 -- Naming and Designating - "Firefighters' Memorial Day," October 9, 2000. by *McNally, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, P., *Wilder, *Williams, *Womack.

***House Joint Resolution No. 589** -- Memorials, Government Officials - Urges department of education to modify and revise portfolio assessment piloted for evaluating students with disabilities who do not participate in statewide assessment. by *Hargrove.

***Senate Joint Resolution No. 620** -- Memorials, Government Officials - Urges department of education to prepare and provide to all public schools guide to legally permissible practices for disclosure and sharing of student disciplinary information among educators. by *Burks.

House Bill No. 2415 -- Sunset Laws - Civil defense and disaster compact, June 30, 2008. Amends TCA Title 4, Chapter 29, and Title 58, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2617 by *Springer, P)

On motion, House Bill No. 2415 was made to conform with **Senate Bill No. 2617**; the Senate Bill was substituted for the House Bill.

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House Bill No. 2089 -- Sunset Laws - Committee for purchase from the blind and other severely disabled, June 30, 2006. Amends TCA Title 4, Chapter 29, and Title 71, Chapter 4. by *Kernell, *Garrett, *Brooks. (*SB2005 by *Springer, P, *Dixon)

On motion, House Bill No. 2089 was made to conform with **Senate Bill No. 2005**; the Senate Bill was substituted for the House Bill.

House Bill No. 2085 -- Sunset Laws - Disaster relief commission, June 30, 2008. Amends TCA Title 4, Chapter 29, and Title 58, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2034 by *Springer, P, *Dixon)

On motion, House Bill No. 2085 was made to conform with **Senate Bill No. 2034**; the Senate Bill was substituted for the House Bill.

House Bill No. 2067 -- Sunset Laws - Southern regional emergency management assistance compact, June 30, 2008. Amends TCA Title 4, Chapter 29, and Title 58, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2021 by *Springer, P, *Dixon)

On motion, House Bill No. 2067 was made to conform with **Senate Bill No. 2021**; the Senate Bill was substituted for the House Bill.

House Bill No. 2064 -- Sunset Laws - State board of equalization, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by *Kernell, *Garrett, *Brooks. (*SB2037 by *Springer, P, *Dixon)

On motion, House Bill No. 2064 was made to conform with **Senate Bill No. 2037**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2390** -- Contractors - Specifies that delinquent payments or nonpayments made to or by contractors, subcontractors or materialmen will be subject to statutory rate of interest (presently 10 percent per annum) if applicable contract does not specify rate of interest. Amends TCA Section 66-34-601. by *Hagood. (SB2877 by *Atchley)

On motion, House Bill No. 2390 was made to conform with **Senate Bill No. 2877**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2670** -- Teachers, Principals and School Personnel - Allows non-citizens to be employed at public schools and colleges in Tennessee. Amends TCA Title 49, Chapter 5, Part 2. by *Hagood, *Bunch. (SB2939 by *Atchley, *Burchett)

On motion, House Bill No. 2670 was made to conform with **Senate Bill No. 2939**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2845** -- Education - Authorizes general assembly by private act, or local legislative body by resolution, to adopt plan for staggered terms of election for local board of education by 7/31/00. Amends TCA Section 49-2-201. by *Tidwell, *Pinion. (SB3159 by *Herron)

MONDAY, MAY 8, 2000 — SEVENTY-FIFTH LEGISLATIVE DAY

House Bill No. 2759 -- Driver Licenses - Establishes installment plan administered by department of safety for fees associated with reinstatement or restoration of suspended or revoked driver license; adds Davidson County to counties authorized to establish payment plans for local fines or costs. Amends TCA Title 55. by *Robinson, *Briley. (*SB2350 by *Henry, *Haynes)

***House Bill No. 2188** -- Courts, General Sessions - Authorizes Anderson County legislative body, upon 2/3 vote, to increase general sessions court jurisdictional amount from \$15,000 to \$25,000. Amends TCA Section 16-15-501. by *Caldwell, *Baird. (SB2774 by *McNally)

House Bill No. 2253 -- Courts, General Sessions - Provides that attorney fees, court costs and discretionary costs are not to be included in determining whether general sessions court judgment exceeds court's monetary jurisdictional limits Amends TCA Title 16, Chapter 15, Part 5. by *Bunch. (*SB2250 by *Fowler)

House Bill No. 2452 -- Cemeteries - Removes provision which subjects income from charitable cemetery trust for perpetual care of private cemeteries to taxation when income from such trust exceeds \$50,000. Amends TCA Section 46-7-102. by *Davis (Washington), *Patton. (*SB2655 by *Crowe)

House Bill No. 2842 -- Carroll County - Subject to local approval, transfers duties of juvenile court clerk from county clerk to circuit and general sessions court clerk. by *Maddox, *Phelan. (SB3010 by *Carter)

House Bill No. 3290 -- Fayette County - Subject to local approval, authorizes special wheel or privilege tax for retirement of debt for school construction. by *Walley, *Naifeh. (SB3273 by *Wilder)

House Bill No. 3317 -- Knox County - Subject to local approval, transfers duties of circuit court clerk with regard to criminal cases in general sessions court to clerk of criminal court. Amends Chapter 1 of the Acts of 1907; as amended. by *Boyer, *Bittle, *Tindell, *Armstrong, *Dunn, *Buttry, *Hagood. (SB3298 by *Burchett, *McNally, *Atchley)

House Bill No. 3318 -- McMinn County - Subject to local approval, grants authority to regulate mobile home and trailer parks. by *McKee. (SB3306 by *Elsea)

House Bill No. 3319 -- Oakdale - Subject to local approval, changes date of next general election from August 2000 to August 2002; and extends term of two aldermen until election. Amends Chapter 51 of the Private Acts of 1995. by *Windle.

House Bill No. 3321 -- Cookeville - Subject to local approval, clarifies provisions regarding regional medical center authority relative to board; rights, powers and obligations; retirement benefits; and property. Amends Chapter 49 of the Private Acts of 1999. by *Hargrove. (SB3304 by *Burks)

House Resolution No. 205 -- Memorials, Recognition - Darnell Flowers, MLGW Law Explorers Coach. by *Brooks.

House Resolution No. 206 -- Memorials, Personal Occasion - Jack and Norma Burris, 50th wedding anniversary. by *McKee.

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House Resolution No. 207 -- Memorials, Interns - Lana Adelaid McDowell. by *Davis (Washington), *Godsey, *Mumpower.

House Resolution No. 208 -- Memorials, Interns - Ben Hyder Houston. by *Buck.

House Resolution No. 210 -- Memorials, Interns - Micah Snyder. by *Ford S.

House Resolution No. 211 -- Memorials, Heroism - Lawrence Heatherly and James R. Barham, Korean War. by *Rinks.

House Joint Resolution No. 662 -- Memorials, Public Service - Bishop Joseph Perry. by *Langster.

House Joint Resolution No. 663 -- Memorials, Death - Gloria Ann McKnight. by *Fowlkes.

House Joint Resolution No. 664 -- Memorials, Retirement - Sadie A. Chandler. by *Fraley.

House Joint Resolution No. 665 -- Memorials, Recognition - National Union of American Families. by *Cooper B, *Bowers.

House Joint Resolution No. 667 -- Memorials, Public Service - Mrs. Karla Kampa. by *Robinson.

House Joint Resolution No. 668 -- Memorials, Interns - Laurie Winningham. by *McMillan.

House Joint Resolution No. 669 -- Memorials, Retirement - George Haley. by *Eckles.

House Joint Resolution No. 670 -- Memorials, Personal Achievement - David Lavender, Cub Scout Arrow of Light. by *Garrett.

House Joint Resolution No. 671 -- Memorials, Academic Achievement - Jill Marshall, Valedictorian, LaVergne High School. by *Beavers.

House Joint Resolution No. 672 -- Memorials, Academic Achievement - Allison Marie Bennett, Valedictorian, Riverdale High School. by *Beavers.

House Joint Resolution No. 673 -- Memorials, Academic Achievement - Audrey Lock, Valedictorian, Riverdale High School. by *Beavers.

House Joint Resolution No. 674 -- Memorials, Academic Achievement - Lynne Taylor, Valedictorian, Eagleville High School. by *Beavers.

House Joint Resolution No. 675 -- Memorials, Academic Achievement - Lisa Weaver, Valedictorian, Smyrna High School. by *Beavers.

House Joint Resolution No. 676 -- Memorials, Recognition - Edgar Evins State Park, 25th Anniversary. by *Buck.

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House Joint Resolution No. 679 -- Memorials, Academic Achievement - Patrick Bingham, Salutatorian, LaVergne High School. by *Beavers.

House Joint Resolution No. 680 -- Memorials, Academic Achievement - George Andy Cook, Valedictorian, Smyrna High School. by *Beavers.

House Joint Resolution No. 681 -- Memorials, Academic Achievement - Sarah Randolph, Valedictorian, Riverdale High School. by *Beavers.

House Joint Resolution No. 682 -- Memorials, Academic Achievement - Patrick Currier, Valedictorian, Riverdale High School. by *Beavers.

House Joint Resolution No. 683 -- Memorials, Academic Achievement - Serena Bissinger, Valedictorian, LaVergne High School. by *Beavers.

House Joint Resolution No. 684 -- Memorials, Academic Achievement - John Truex, Salutatorian, Riverdale High School. by *Beavers.

House Joint Resolution No. 686 -- Memorials, Academic Achievement - Laura Bruce, Valedictorian, Hamshire High School. by *Sands.

House Joint Resolution No. 687 -- Memorials, Academic Achievement - Jessica Totty, Valedictorian, Santa Fe High School. by *Sands.

House Joint Resolution No. 688 -- Memorials, Academic Achievement - Sara Elizabeth Langley, Valedictorian, Columbia Academy. by *Sands.

House Joint Resolution No. 689 -- Memorials, Death - Margaret Frances Talley Bone. by *Sands, *Hood.

House Joint Resolution No. 690 -- Memorials, Public Service - Greg Hanson, Pleasant Ridge Elementary School. by *Buttry.

House Joint Resolution No. 691 -- Memorials, Professional Achievement - Benita Albert, Siemens Award for Advanced Placement recipient. by *Caldwell.

Senate Joint Resolution No. 547 -- Memorials, Death - Margaret Frances Talley Bone. by *Rochelle, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, P, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 767 -- Naming and Designating - Casey Jones Day, April 30, 2000. by *Carter.

Rep. Langster moved that all members voting aye on House Joint Resolution No. 662 be added as sponsors, which motion prevailed.

Rep. McDonald moved that all members voting aye on House Joint Resolution No. 689 be added as sponsors, which motion prevailed.

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Rep. McDonald moved that all members voting aye on Senate Joint Resolution No. 547 be added as sponsors, which motion prevailed.

Rep. U. Jones moved that all members voting aye on Senate Joint Resolution No. 531 be added as sponsors, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2253: by Rep. Miller

House Bill No. 3290: by Rep. Brooks

Under the rules, House Bill(s) No(s). 2253 and 3290 was/were placed at the foot of the calendar for May 11, 2000.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1264 -- Education - Requires school superintendents convicted of felonies to be removed from office. Amends TCA Section 49-2-301. by *Winningham, *Boyer. (*SB1267 by *Springer, P)

Further consideration of House Bill No. 1264 previously considered on May 26, 1999, February 2, 2000, March 8, 2000, March 9, 2000, and March 10, 2000, at which time it was reset for today's Calendar.

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House Bill No. 1242 -- Education - Authorizes local boards of education to maintain records of proceedings of board in electronic format. Amends TCA Section 49-2-301. by *Winningham, *Boyer. (*SB1322 by *Williams)

Further consideration of House Bill No. 1242 previously considered on May 26, 1999, February 2, 2000, March 8, 2000, March 9, 2000, and March 10, 2000, at which time it was reset for today's Calendar.

Rep. Windle moved that House Bill(s) No(s). 1264 and 1242 be reset for the Regular Calendar on May 22, 2000, which motion prevailed.

***House Bill No. 872** -- Public Buildings - Establishes that public building authorities shall not be considered to be instrumentalities of local government for purposes of conflict of interest requirements related to competitive bid processes. Amends TCA Title 12, Chapter 10, Part 1. by *Kerr. (SB1139 by *Clabough)

Further consideration of House Bill No. 872 previously considered on April 12, 2000, at which time it was reset for today's Calendar.

Rep. Kerr moved that House Bill No. 872 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 872 by deleting Section 1 of the printed bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-10-122, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Prior to the adoption or promulgation by the state funding board of guidelines, rules or regulations with respect to the contracts and agreements authorized in §12-10-111(j) and (k) and §12-10-116(c), a municipal corporation or authority may enter into such contracts or agreements to the extent otherwise authorized in this chapter or in any other law notwithstanding §12-10-111(j) and (k) and §12-10-116(c). Nothing in the provisions of §12-10-111(j) and (k) and §12-10-116(c) is intended to alter any existing authority in this chapter or in any other law otherwise providing authority for a municipal corporation or authority to enter into the contracts or agreements described in §12-10-111(j) and (k) and §12-10-116(c), heretofore entered into or entered into prior to the adoption or promulgation by the state funding board of guidelines, rules or regulations.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Miller moved that House Bill No. 872 be reset for the Regular Calendar on May 15, 2000, which motion prevailed.

House Bill No. 3067 -- Financial Disclosure - Deletes maximum aggregate contribution limit of 50 percent of total contributions for offices elected by statewide elections and \$75,000 in aggregate for any other state or local public office which candidates may accept from multicandidate political campaign committees for each election. Amends TCA Title 2, Chapter 10. by *Kisber. (*SB2738 by *Rochelle)

Further consideration of House Bill No. 3067 previously considered on May 1, 2000, at which time it was reset for today's Calendar.

Rep. Kisber moved that House Bill No. 3067 be reset for the Regular Calendar on May 15, 2000, which motion prevailed.

***House Bill No. 2027** -- Real Property - Requires seller to specify whether property to be transferred is site-built home, modular home or trailer for purposes of residential property disclosure law; exempts from residential property disclosure law transfers from debtor in Chapter 7 or 13 bankruptcy to creditor or third-party by deed in lieu of foreclosure or quitclaim deed. Amends TCA Title 66, Chapter 5, Part 2. by *Bunch, *Hagood. (SB2220 by *Miller J)

Further consideration of House Bill No. 2027 previously considered on May 1, 2000, at which time it was reset for today's Calendar.

Rep. Bunch moved that House Bill No. 2027 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2027 by deleting from Section 1 the words and symbols "including site-built homes, modular homes and trailers," and by substituting instead the words and symbols, "including site-built and nonsite-built homes,"

AND FURTHER AMEND by deleting from Section 5 the words and symbols:

The property is a

_____ site-built home

_____ modular home

_____ trailer

and by substituting instead the following:

The property is a

_____ site-built home

_____ nonsite built-home

AND FURTHER AMEND by redesignating the effective date section as "Section 6".

On motion, Commerce Committee Amendment No. 1 was adopted.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Bunch moved that **House Bill No. 2027**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2025** -- Traffic Safety - Allows local boards of education to set longer period for school speed zones around schools. Amends TCA Section 55-8-152. by *Bunch, *Newton. (SB2226 by *Miller J)

Further consideration of House Bill No. 2025 previously considered on May 1, 2000, at which time it was reset for today's Calendar.

Rep. Bunch moved that House Bill No. 2025 be reset for the Regular Calendar on May 22, 2000, which motion prevailed.

House Bill No. 2683 -- Codes - Allows facilities owner or operator to temporarily reconfigure available bathrooms for estimated number of men and women at particular event if the ratio of men to women attendees is different than 1:1. Amends TCA Title 68, Chapter 120, Part 5. by *Chumney, *Bone, *Beavers. (*SB2685 by *Cohen)

Further consideration of House Bill No. 2683 previously considered on May 1, 2000, at which time it was reset for today's Calendar.

On motion, House Bill No. 2683 was made to conform with **Senate Bill No. 2685**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 2685 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Chumney moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2685 by inserting at the end of the first sentence in subsection (c) and subsection (d), as amended by Senate Amendments #2 and #4, the following language:

 , provided that sufficient toilet facilities for women are included in the facility

On motion, Amendment No. 2 was adopted.

Rep. Chumney moved that **Senate Bill No. 2685**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

MONDAY, MAY 8, 2000 — SEVENTY-FIFTH LEGISLATIVE DAY

***Senate Bill No. 2111** -- Sunset Laws - Terminates Tennessee neighborhood development corporation. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 13. by *Springer, P. (HB2412 by *Kernell, *Garrett, *Brooks)

Further consideration of Senate Bill No. 2111 previously considered on May 1, 2000, at which time it was reset for today's Calendar.

BILL RE-REFERRED

Rep. Kernell moved that Senate Bill No. 2111 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

REGULAR CALENDAR, CONTINUED

***Senate Bill No. 2106** -- Sunset Laws - Chickasaw trail economic development authority, June 30, 2008. Amends TCA Title 4, Chapter 29, and Title 13, Chapter 2. by *Springer, P. (HB2418 by *Kernell, *Garrett, *Brooks)

Further consideration of Senate Bill No. 2106 previously considered on May 1, 2000, at which time it was reset for today's Calendar.

BILL RE-REFERRED

Rep. Kernell moved that Senate Bill No. 2106 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2159** -- Custody and Support - Creates absolute judicial immunity for guardian ad litem representing minor child's interest in custody dispute. Amends TCA Title 36, Chapter 4, Part 1. by *Bunch. (SB2233 by *Miller J)

Further consideration of House Bill No. 2159 previously considered on April 13, 2000 and May 1, 2000, at which time it was reset for today's Calendar.

Rep. Bunch moved that **House Bill No. 2159** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***Senate Bill No. 2847** -- Mental Retardation - Requires department of mental health and mental retardation to make available home and community-based support to certain number of Tennesseans with mental retardation and other development disabilities for the next five fiscal years. Amends TCA Section 71-5-1408. by *Dixon, *Fowler, *Burks. (HB2523 by *Eckles, *Walker (Rhea), *Lewis, *Bowers, *Turner (Hamilton))

Further consideration of Senate Bill No. 2847 previously considered on April 13, 2000, at which time the House adopted Amendment(s) No(s). 2 and 3 and May 1, 2000 at which time the bill was reset for today's Calendar.

Rep. Eckles requested that Senate Bill No. 2847 be moved to the heel of the Calendar.

***House Bill No. 2378** -- Pharmacy, Pharmacists - Allows pharmacists to perform laboratory tests under certain circumstances. Amends TCA Section 63-10-404. by *Rhinehart. (SB2768 by *McNally)

Further consideration of House Bill No. 2378 previously considered on April 12, 2000, April 19, 2000 and May 1, 2000, at which time it was reset for today's Calendar.

Rep. McDaniel moved that House Bill No. 2378 be reset for the Regular Calendar on May 18, 2000, which motion prevailed.

House Bill No. 3058 -- Telecommunications - Authorizes Tennessee regulatory authority to promulgate rules concerning cellular towers. Amends TCA Title 65. by *Jones, S., *Hargrove, *West, *Arriola, *Pruitt, *Lewis, *Rhinehart, *Cooper B., *Curtiss, *Fowlkes, *Head, *Odom, *Caldwell, *Hood, *Bone, *Kisber, *McMillan, *Langster, *Ferguson, *Eckles, *Windle, *Towns, *McDonald, *Briley, *Brooks, *Armstrong, *Jones U (Shelby), *Miller L., *Turner (Shelby), *DeBerry L. (*SB2687 by *Kyle)

Rep. S. Jones moved that House Bill No. 3058 be reset for the Regular Calendar on May 15, 2000, which motion prevailed.

***House Joint Resolution No. 567** -- General Assembly, Directed Studies - Requires department of commerce and insurance to report findings concerning implementation by insurance companies in contract language "prudent layperson" standard for reimbursement of emergency medical services. by *Odom.

Rep. Odom moved that House Joint Resolution No. 567 be adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 567 by deleting all language after the resolving phrase (that phrase which reads "A RESOLUTION concerning compliance with the provisions of Public Chapter 1134 of the Acts of 1998.", and by substituting therefor the following:

WHEREAS, the 99th General Assembly in 1998 passed Public Chapter 1134; and

WHEREAS, in Public Chapter 1134, the Tennessee General Assembly adopted the "prudent layperson" definition of reimbursement for emergency medical services; now, therefore,

BE IT RESOLVED BY THE TENNESSEE GENERAL ASSEMBLY THAT, the Commissioner of the Department of Commerce and Insurance shall take appropriate measures during the normal course of its business to ensure compliance with Public Chapter 1134, passed by the 99th General Assembly in 1998, by health insurance companies, health service corporations, managed care companies, and other entities covered thereby.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Odom moved that **House Joint Resolution No. 567**, as amended, be adopted, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 643 -- Contractors - Increases from three to five days advance notice required from applicant who will be unable to appear for interview before contractor licensing board. Amends TCA Title 62. by *Odom, *Hood, *Beavers, *Eckles. (*SB739 by *Womack)

Rep. Odom moved that House Bill No. 643 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 643 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-27-103, is amended by deleting that section in its entirety and by substituting instead the following:

62-27-103 (a) Any polygraph machine used to test or question individuals for the purpose of detecting deception or verifying truth of statements shall record visually, permanently, and simultaneously:

- (1) A person's cardiovascular pattern;
- (2) A person's respiratory or breathing pattern; and
- (3) Electrodermal or galvanic skin response pattern;

as minimum standards of instrumentation.

(b) Patterns of other physiological changes in addition to subdivisions (a)(1) and (a)(2) may also be recorded.

SECTION 2. Tennessee Code Annotated, Section 62-27-106, is amended by deleting that section in its entirety and by substituting instead the following:

62-27-106 (a) It is unlawful for any person, including a city, county or state employee, to administer polygraph examinations, or represent to be a polygraph examiner, without holding a valid polygraph examiner's license issued by the commission.

(b) A violation of this section is a Class B misdemeanor.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Odom moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Odom moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 643 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-27-103, is amended by deleting that section in its entirety and by substituting instead the following:

62-27-103 (a) Any polygraph machine used to test or question individuals for the purposes of detecting deception or verifying truth of statements shall record visually, permanently, and simultaneously:

(1) A person's cardiovascular pattern;

(2) A person's respiratory or breathing pattern; and

(3) Electrodermal or galvanic skin response pattern as minimum standards of instrumentation.

(b) Patterns of other physiological changes in addition to subdivisions (a)(1) and (a)(2) may also be recorded.

(c) The use of any other instrument or device to detect deception or to verify truth of statements that does not meet these minimum instrumentation requirements is prohibited except that such other instrument or device may be used by law enforcement officers in the course of their full-time employment with a federal, state or local law enforcement agency who are certified to operate such instrument or device.

SECTION 2. Tennessee Code Annotated, Section 62-27-106, is amended by deleting that section in its entirety and by substituting instead the following:

62-27-106 (a) It is unlawful for any person, including a city, county or state employee to administer polygraph examinations, or represent to be a polygraph examiner without holding a valid polygraph examiner's license issued by the commission.

(b) It is unlawful for any person, other than a law enforcement officer acting in accordance with Section 62-27-103(c), to operate any instrument or device to detect deception or verify the truth of statements that does not meet the minimum instrumentation requirements set forth in Section 62-27-103(a) or to use any title or make any representation tending to indicate that such person is qualified to detect deception or verify truth of statements through the use of such instrument or device.

(c) A violation of this section is a Class B misdemeanor.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Jackson moved the previous question on Amendment No. 3, which motion prevailed.

On motion, Amendment No. 3 was adopted.

Rep. Head moved that House Bill No. 643 be reset for the Regular Calendar on May 15, 2000, which motion prevailed.

***House Bill No. 128** -- Capital Punishment - Adds attorney general or designee and one defense counsel chosen by condemned person to list of persons entitled to be present at carrying out of death sentence. Amends TCA Title 40. by *Odom. (SB581 by *Springer, P)

On motion, House Bill No. 128 was made to conform with **Senate Bill No. 581**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 581 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 581 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Judiciary Committee Amendment No. 2 was adopted.

Rep. Odom moved that **Senate Bill No. 581**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	1
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Bowers -- 1.

Representatives present and not voting were: Baird, Jones U. -- 2.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***House Bill No. 3038** -- Safety - Permits imposition of follow-up elevator inspection fees; removes specified fees for boiler and pressure vessel inspections and certificates and places fee determination under general regulatory authority of board of boiler rules Amends TCA Title 68, Chapter 121, and Chapter 122. by *Whitson, *McDaniel. (SB3110 by *Cooper)

On motion, House Bill No. 3038 was made to conform with **Senate Bill No. 3110**; the Senate Bill was substituted for the House Bill.

Rep. Whitson moved that Senate Bill No. 3110 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Whitson moved that **Senate Bill No. 3110** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0
Present and not voting	3

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Representatives voting aye were: Arriola, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Sharp, Stulce, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Baird, Beavers, West -- 3.

A motion to reconsider was tabled.

House Bill No. 2450 -- Public Records - Designates as confidential all records to assist law enforcement agencies in preparing to respond to any violent or terrorist incidents. Amends TCA Section 10-7-503. by *Hagood. (*SB2644 by *Burchett)

On motion, House Bill No. 2450 was made to conform with **Senate Bill No. 2644**; the Senate Bill was substituted for the House Bill.

Rep. Hagood moved that Senate Bill No. 2644 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Hagood moved that **Senate Bill No. 2644** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Butry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 610** -- Memorials, Congress - Urges rejection of Occupational and Safety Health Administration's proposed ergonomics rule. by *Cooper.

Rep. Curtiss moved that **Senate Joint Resolution No. 610** be concurred in, which motion prevailed by the following vote:

Ayes	89
Noes	1
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Buck, Bunch, Buttry, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Kernell -- 1.

Representatives present and not voting were: Caldwell, Chumney, Ferguson, Givens, Turner (Shelby) -- 5.

A motion to reconsider was tabled.

House Bill No. 2434 -- Sunset Laws - Elevator safety board, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 121. by *Kernell, *Garrett, *Brooks. (*SB2095 by *Springer, P)

Rep. Kernell moved that House Bill No. 2434 be passed on third and final consideration.

Rep. Garrett moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2434 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-225(a), is amended by adding a new item thereto, as follows:

() Elevator safety board, created by Section 68-121-102;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2434**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 2171** -- County Government - Authorizes counties to enact resolutions to regulate nuisances and nuisance type problems. Amends TCA Section 5-1-118. by *Baird, *Caldwell, *Gunnels, *Kerr, *Dunn. (SB2773 by *McNally)

Rep. Baird moved that House Bill No. 2171 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2171 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 5-1-118, is amended by designating the existing language as subsection (a), and by adding the following language as new subsections to be designated as indicated:

(b) Nothing in this part shall be construed as granting counties the power to prohibit or regulate normal agricultural activities.

(c)(1) In addition to those powers granted to counties pursuant to subsection (a), any county having a population of not less than thirty-one thousand one hundred (31,100) nor more than thirty-one thousand four hundred (31,400), not less than thirty-five thousand two hundred (35,200), nor more than thirty-five thousand two hundred seventy-five (35,275); not less than sixty-eight thousand one hundred (68,100) nor more than sixty-eight thousand four hundred (68,400), or not less than eighty-five thousand eight hundred (85,800) nor more than eighty-six thousand one hundred (86,100), according to the 1990 federal census or any subsequent federal census, may, by adoption of a resolution by two-thirds (2/3) vote of their respective legislative bodies, exercise those powers granted to all or certain municipalities by Tennessee Code Annotated, Section 6-2-201, subdivisions (22) and (23), except as provided in subdivision (2) and subsection (b).

The powers granted to counties in this subsection apply only within the unincorporated areas. Nothing in this act may be construed to allow any county to prohibit or in any way impede any municipality in exercising any power or authority the municipality may lawfully exercise.

(2) The powers granted by subdivisions (22) and (23) shall not apply to those activities, businesses, or uses of property and business occupations and practices which are subject to regulation pursuant to Tennessee Code Annotated, Title 57, Chapter 5; Title 57, Chapter 6; Title 59, Chapter 8; Title 60, Chapter 1; Title 68, Chapters 201 through 221; or Title 69, Chapters 3, 8, 11 and 12.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Baird moved adoption of Amendment No. 1 to Amendment No. 1 as follows:

Amendment No. 1 to 1

AMEND House Bill No. 2171 By deleting the language "not less than thirty-five thousand two hundred (35,200), nor more than thirty-five thousand two hundred seventy-five (35,275);" and by substituting instead the language "not less than thirty-five thousand seventy-five (35,075), nor more than thirty-five thousand two hundred (35,200);" as amended by House State & Local Government Committee Amendment No. 1.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. U. Jones moved that Amendment No. 1 as amended, be adopted which motion prevailed.

Rep. Baird moved that **House Bill No. 2171**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	89
Noes	3
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Boyer, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Bowers, Briley, Givens -- 3.

Representatives present and not voting were: Brooks, Kernell, Lewis, Miller, Towns -- 5.

A motion to reconsider was tabled.

House Bill No. 2769 -- Education, Higher - Redefines "proprietary information," "sponsored research or service" and "trade secrets"; modifies certain procedures for protecting confidential research records and materials handled by higher education institutions. Amends TCA Section 49-7-120; 10-7-504. by *Hargrove, *Davidson, *Kerr, *Sharp. (*SB2139 by *Womack, *Crowe)

Rep. Hargrove moved that House Bill No. 2769 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2769 by inserting in the amendatory language of Section 7, the words and punctuation ", names of the researchers," immediately after the first occurrence of the word "projects" and immediately before the word "and."

AND FURTHER AMEND by inserting the following language as an appropriately designated new section and redesignating the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-7-120, is amended by adding the following as an appropriately designated subsection:

() Upon agreement of a subject and the clinical study physician assigned to the human subject and upon the withdrawal, termination or conclusion of the research project, the assigned clinical study physician shall, upon notification and request of the human subject, disclose all pertinent medical information in that human subject's research records. Such disclosure shall take place as soon as reasonably practical not to exceed three (3) business days.

AND FURTHER AMEND by inserting the following language as an appropriately designated new section and redesignating the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-7-120, is amended by adding the following as an appropriately designated subsection:

() A public higher education institution shall file an annual report with the attorney general and reporter concerning sponsored research or service closed to public inspection by this section. The annual report shall include the title, description, names of researchers, and amount and source of funding for sponsored research or service contracts executed during the previous twelve-month period. The annual report shall be made available for inspection by any citizen of Tennessee upon request made in accordance with Tennessee Code Annotated, Section 10-7-503. Upon request, the attorney general and reporter may review the sponsored research or service contract or other records related to the project. Any records reviewed by the attorney general and reporter under this subsection shall not be open for public inspection.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Godsey moved the previous question, which motion prevailed.

Rep. Hargrove moved that **House Bill No. 2769**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 3149 -- Education - Establishes standard by which school pupil subject to mandatory attendance is found to be "habitual truant" or "truant"; authorizes law enforcement officer and school attendance officer to pick up and deliver truant to parent, guardian, school principal or truancy center; provides such officers with civil immunity for such actions unless found to be outside scope of employment or performed with gross negligence or willful misconduct. Amends TCA Title 49, Chapter 6, by *Jones U (Shelby), *DeBerry J, *Miller L, *Turner (Shelby), *Bowers, *DeBerry L. (*SB2425 by *Dixon, *Kyle)

Rep. U. Jones moved that House Bill No. 3149 be reset for the Regular Calendar on May 11, 2000, which motion prevailed.

***House Bill No. 2120** -- Tennessee Bureau of Investigation - Clarifies that arresting or booking officer shall reproduce copy of fingerprints which are on file, update arrest data and forward two sets of fingerprints to TBI regardless of whether or not such fingerprints are found to be on file by the law enforcement agency. Amends TCA Title 38, by *Buck. (SB2886 by *Person)

On motion, House Bill No. 2120 was made to conform with **Senate Bill No. 2886**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that **Senate Bill No. 2886** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 3170** -- State Employees - Creates cause of action for state employees who are threatened, discharged, or otherwise discriminated against for reporting improper government activities. Amends TCA Title 8, Chapter 50, Part 1, by *McMillan, *Jones, S., *Naifeh. (SB3204 by *Haynes, *Blackburn, *Kurita)

On motion, House Bill No. 3170 was made to conform with **Senate Bill No. 3204**; the Senate Bill was substituted for the House Bill.

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Rep. McMillan moved that Senate Bill No. 3204 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. McMillan moved that **Senate Bill No. 3204** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 3017** -- Insurance Companies, Agents, Brokers, Policies - Authorizes commissioner of commerce and insurance to regulate and control HMOs; establishes registration and other requirements for HMOs and holding companies. Amends Title 56 of the TCA. by *Kisber, *Eckles, *Hood, *McAfee, *Head. (SB3090 by *McNally)

Further consideration of House Bill No. 3017 previously considered on April 10, 2000, April 13, 2000 and May 4, 2000, at which time it was reset for today's Calendar.

On motion, House Bill No. 3017 was made to conform with **Senate Bill No. 3090**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 3090 be passed on third and final consideration.

Rep. Brooks moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. U. Jones moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. U. Jones moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Brooks moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Brooks moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Kisber moved adoption of Amendment No. 6 as follows:

Amendment No. 6

AMEND Senate Bill No. 3090 By deleting the amendatory subdivision in Section 3 (c) which reads as follows:

() "Health maintenance organization holding company system" means two (2) or more affiliated persons, one of which is a health maintenance organization.

And by substituting instead the following:

() "Health maintenance organization holding company system" means two (2) or more affiliated persons, one of which is a health maintenance organization. "Health maintenance organization holding company system" also means a corporation regulated pursuant to the provisions of tile 56, chapter 29, which owns or controls, either directly or indirectly, a health maintenance organization.

On motion, Amendment No. 6 was adopted.

Rep. Kisber moved that **Senate Bill No. 3090**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Bowers, Cooper, Towns -- 3.

A motion to reconsider was tabled.

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House Bill No. 2660 -- Election Laws - Allows registry of election finance to assess late filing fee of \$30.00 a day up to maximum of \$900 instead of \$25.00 a day up to maximum of \$750; increases class 1 offense civil penalty from \$25.00 a day up to maximum of \$750 to \$30.00 a day up to maximum of \$900. Amends TCA Title 2, Chapter 10; Title 3, Chapter 6, Part 1 and Title 8, Chapter 50, Part 5. by *McMillan. (*SB2695 by *Cooper)

Further consideration of House Bill No. 2660 previously considered on May 4, 2000, at which time it was reset for today's Calendar.

House Bill No. 3100 -- Governor - Requires governor's inauguration (oath of office) to be held on Plaza of War Memorial Building or other appropriate outdoor venue. Amends TCA Title 2, Chapter 10 and Title 8. by *McMillan. (*SB2701 by *Cooper)

Further consideration of House Bill No. 3100 previously considered on May 4, 2000, at which time it was reset for today's Calendar.

Rep. Hargrove moved that House Bill(s) No(s). 2660 and 3100 be reset for the Regular Calendar on May 15, 2000, which motion prevailed.

House Bill No. 2773 -- Teachers, Principals and School Personnel - Authorizes teachers completing probationary period who are not re-employed to have hearing before board of education; board can grant tenure to teacher if finds it to be appropriate; limits teachers to back pay if do not receive required notice of dismissal or failure of reelection. Amends TCA Section 49-5-409. by *McMillan, *Jones U (Shelby), *Williams (Williamson), *Maddox, *Cooper B. (*SB2188 by *Springer, P)

Further consideration of House Bill No. 2773 previously considered on May 4, 2000, at which time it was reset for today's Calendar.

Rep. McMillan moved that House Bill No. 2773 be reset for the Regular Calendar on May 15, 2000, which motion prevailed.

House Bill No. 2332 -- Education, Higher - Requires THEC evaluation and approval of any new branch or satellite campuses of existing state institutions of higher education. Amends TCA Title 49, Chapters 7, 8 and 9. by *Kisber. (*SB2166 by *Cooper)

Further consideration of House Bill No. 2332 previously considered on May 4, 2000, at which time it was reset for today's Calendar.

Rep. Kisber moved that House Bill No. 2332 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2332 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated Section 49-7-202(c) is amended by adding the following new subdivisions:

(_) Review and approve or disapprove all proposals by any existing higher education institution to establish a physical presence at any location other than its main campus, or to expand an existing location, which will be utilized for administrative purposes or to offer courses for which academic credit is offered. The commission shall develop policies and procedures governing this process.

(_) Produce an annual report which analyzes the effect off-site academic locations has on the formula funding of their main campus. The report should be provided to the speakers of the senate and house of representatives, the governor, the chairmen of the finance, ways and means committees and the education committees of the senate and the house of representatives, the fiscal review committee, the legislative budget analysis office and the commissioner of finance and administration. Such report should be submitted prior to March 1 each year.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. Kisber moved that **House Bill No. 2332**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	4
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Baird, Chumney, Cooper, Goins -- 4.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

***Senate Bill No. 2847** -- Mental Retardation - Requires department of mental health and mental retardation to make available home and community-based support to certain number of Tennesseans with mental retardation and other development disabilities for the next five fiscal years. Amends TCA Section 71-5-1408. by *Dixon, *Fowler, *Burks. (HB2523 by *Eckles, *Walker (Rhea), *Lewis, *Bowers, *Turner (Hamilton))

Further consideration of Senate Bill No. 2847 previously considered on today's Calendar.

Rep. Eckles moved that Senate Bill No. 2847, as amended, be passed on third and final consideration.

Rep. Eckles moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 2847 by adding the following language at the end of Section 1 as amended:

The Arc of Tennessee shall ensure that its nominees include racial and ethnic minorities to reflect the ethnic and racial diversity in Tennessee.

On motion, Amendment No. 4 was adopted.

Rep. Eckles moved that **Senate Bill No. 2847**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1932 -- Election Laws - Permits certain nonresident taxpayers in Spring Hill to vote in municipal elections. Amends TCA Section 6-53-102. by *Sands, *Williams (Williamson). (*SB1933 by *Blackburn)

Senate Amendment No. 1

AMEND House Bill No. 1932 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall only apply in any municipality that adopts the provisions of this act by a two-thirds (2/3) vote of such municipality's legislative body.

Rep. Sands moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1932**, which motion prevailed by the following vote:

Ayes 86
Noes 8

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Chumney, DeBerry J., Hagood, Harwell, Jones U., Kernell, Miller, Turner (Shelby) -- 8.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2012** -- Transportation, Dept. of - Allows former property owner, as well as adjoining property owners, to have right to purchase property designated as surplus by department. Amends TCA Section 12-2-112. by *Whitson. (SB2060 by *Haun, *Williams)

Senate Amendment No. 2

AMEND House Bill No. 2012 by deleting the following from the amendatory language of SECTION 1 of Senate State and Local Committee Amendment #1:

"The former property owner shall have first right of refusal to purchase the right-of-way. If the former property owner relinquishes his or her right, the adjoining property owners interested in purchasing the right-of-way shall submit sealed bids with the minimum bid price being the fair market value determined by appraisal."

and substituting instead the following language:

"The former property owner and any adjoining property owner shall have the right to bid on the surplus property in an open and competitive process as provided by law."

AND FUTHER AMEND by deleting the following from the amendatory language of SECTION 2 of Senate State and Local Committee Amendment #1:

"The former property owner shall have the first right of refusal to purchase the right-of-way. If the former property owner relinquished his or her right, the adjoining property owners interested in purchasing the right-of-way shall submit sealed bids with the minimum bid price being the fair market value determined by appraisal."

and substituting instead the following language:

"The former property owner and any adjoining property owner shall have the right to bid on the surplus property in an open and competitive process as provided by law."

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. If the surplus property acquired through this act results in the purchaser being landlocked then such purchaser shall have an easement for the right of ingress and egress as provided by law.

Rep. Whitson moved that the House nonconcur in Senate Amendment(s) No(s). 2 to House Bill No. 2012, which motion prevailed.

Senate Amendment No. 1

AMEND House Bill No. 2012 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-2-112(a)(8), is amended by inserting after the words "any adjoining property owner" in the first and second sentences, the language "or the former owner of that property. The former property owner's right shall terminate ten (10) years after the date of acquisition by the department of transportation by conveyance or date of taking in condemnation of the subject property by the department. The former property owner's right shall not transfer to such owner's heirs. The former property owner shall have first right of refusal to purchase the right-of-way. If the former property owner relinquishes his or her right, the adjoining property owners interested in purchasing the right-of-way shall submit sealed bids with the minimum bid price being the fair market value determined by appraisal."

SECTION 2. Tennessee Code Annotated, Section 12-2-112(a)(9), is amended in subdivisions (A) and (D) by inserting after the words "adjoining property owner", the words "or the former owner of that property. The former property owner's right shall terminate ten (10) years after the date of acquisition by the department of transportation by conveyance or date of taking in condemnation of the subject property by the department. The former property owner's right shall not transfer to such owner's heirs. The former property owner shall have the first right of refusal to purchase the right-of-way. If the former property owner relinquished his or her right, the adjoining property owners interested in purchasing the right-of-way shall submit sealed bids with the minimum bid price being the fair market value determined by appraisal."

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it

Rep. Whitson moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2012**, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2238** -- Workers' Compensation - Specifies that employer who fails to provide reasonable and necessary medical treatment for injury employer knew was work-related shall be fined \$500. Amends TCA Title 50, Chapter 6, by *Buck. (SB2483 by *Haynes)

Senate Amendment No. 3

AMEND House Bill No. 2238 By deleting the language "then such employer shall be fined five hundred dollars (\$500)," from the amendatory language of Section 1, and by substituting instead the language "then a civil penalty of five hundred dollars (\$500) shall be assessed against such employer,".

AND FURTHER AMEND by adding the following language at the end of the amendatory language of Section 1:

The commissioner of labor and workforce development shall have the authority to assess and collect such civil penalty.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 2238**, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 2408** -- Hazardous Materials - Creates Class A misdemeanor offense, punishable by fine of \$2,500 for leaving truck containing hazardous materials unsecured or unattended in residential area. Amends TCA Title 55 and Title 68, Chapter 212, by *Langster, *Jones, S., *Pruitt, *Bowers. (SB2783 by *Ramsey)

Senate Amendment No. 1

AMEND House Bill No. 2408 by deleting from Section 1 the language "unattended or unsecured any truck" and by substituting instead the language "unsecured and unattended any truck".

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Rep. Langster moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 2408, which motion was immediately withdrawn.

Rep. Langster moved that House Bill No. 2408 be reset for the Message Calendar on May 11, 2000, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2532 -- Courts, Juvenile - Creates "Tennessee Teen Court Program of 2000." Amends TCA Title 37, Chapter 1. by *Fowlkes, *Hood, *Eckles, *Turner (Hamilton), *Williams (Williamson), *Goins, *Maddox, *DeBerry J, *DeBerry L, *Chumney, *Montgomery, *Walker (Rhea), *Bowers, *Kent, *McDaniel, *Cole (Carter), *Langster, *Jones U (Shelby). (*SB2340 by *Graves)

Rep. Fowlkes requested that House Bill No. 2532 be moved to the heel of the Message Calendar.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2610 -- Consumer Protection - Revises provisions concerning Do Not Call Register relating to telephone solicitation. Amends TCA Section 65-4-405. by *Hargrove, *Naifeh, *Cole (Dyer), *Maddox, *Pruitt, *Hargett, *Newton, *Patton, *Ford S, *Davis (Washington), *Godsey, *Buttry, *Montgomery, *Harwell, *Roach, *McKee, *Phelan, *Walker (Rhea), *Stulce, *Fitzhugh, *Turner (Hamilton). (*SB2904 by *Cooper, *Burks, *Kurita)

Senate Amendment No. 4

AMEND House Bill No. 2610 by adding the following as a new section to precede the effective date section and by renumbering the effective date section accordingly:

SECTION ____ . Tennessee Code Annotated, Section 65-4-405(d), is amended by adding the following new subdivision thereto:

() "Entity" includes any parent, subsidiary, or affiliate of a person;

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 2610**, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. Walker moved to lift from the table the motion to reconsider action in passing Senate Bill No. 2622, which motion prevailed.

***Senate Bill No. 2622** -- Cooperatives - Removes prohibition against members voting by mail at directorate district meeting. Amends TCA Section 65-25-208. by *Davis L. (HB2694 by *Walker (Rhea), *Curtiss)

Rep. Walker moved to reconsider action in passing Senate Bill No. 2622, which motion prevailed.

Rep. Walker moved that Senate Bill No. 2622 be passed on third and final consideration.

Rep. Walker moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2622 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 65-25-208(b), is amended by deleting the final sentence thereof and by substituting instead the following:

The bylaws may provide that members may vote for the election of district directors by mail ballot at a directorate district meeting provided that the bylaws shall contain a description of the voting procedure, which procedure shall be designed to ensure the integrity of such district director election.

SECTION 2. Section 1 of this act shall not apply to any electric cooperative organized pursuant to Tennessee Code Annotated, Title 65, Chapter 25, that, as reported in the June 30, 1998, TVA 4171 report, served between 40,800 and 40,900 customers and had in service between 4,015 and 4,025 miles of power line.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Walker moved that **Senate Bill No. 2622**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2720 -- Financial Disclosure - Clarifies that Chattanooga, Knoxville, Nashville and Memphis may adopt ordinances enacting more stringent financial disclosure requirements of candidates for municipal public office than required under Campaign Financial Disclosure Act of 1980. Amends TCA Title 2. by *Tindell, *Hagood, *Dunn, *Bittle, *Buttry. (*SB2878 by *Atchley, *Burchett)

On motion, House Bill No. 2720 was reset for the Message Calendar on May 11, 2000, without objection.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2794** -- Children - Broadens child bicycle helmet requirements to include any highway, street or sidewalk; Amends TCA Title 55, Chapter 52. by *Herron, *Kurita. (HB3194 by *Sands, *Caldwell, *Hood, *Eckles, *Fowlkes, *Williams (Williamson), *Arriola, *McDonald, *Maddox, *Robinson, *Newton, *McMillan, *Harwell, *Roach, *Fraley, *Turner (Hamilton))

Rep. Sands moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 5 to Senate Bill No. 2794, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3055 -- Election Laws - Revises certain provisions relative to election laws. Amends TCA Title 2 and Title 6, Chapter 53. by *Hargrove. (*SB3040 by *Rochelle)

Senate Amendment No. 1

AMEND House Bill No. 3055 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Title 2, Chapter 10, Part, 1 is amended by adding the following as a new appropriately designated section:

2-10-1____. The county election commission has the authority to forward information regarding violation of disclosure laws by candidates for local public office to the district attorney general for investigation without the necessity of a sworn complaint from a registered voter as provided by §2-10-108.

Senate Amendment No. 3

AMEND House Bill No. 3055 by deleting the last section and by adding the following as new, appropriately numbered sections:

SECTION _____. Tennessee Code Annotated § 2-14-201 is amended by deleting the section in its entirety and by substituting instead the following:

(a) If twelve (12) months or more remain prior to the next general election for members of the general assembly and the seat of a member of either house becomes vacant, a successor shall be elected pursuant to Tennessee Code Annotated § 2-14-202 (a)-(c) by the qualified voters of the district in which the vacancy occurred. The successor shall serve the remainder of the original term.

(b) If a vacancy occurs with more than two (2) years remaining in a term in the state senate, but less than twelve (12) months prior to the next general election for members of the general assembly, then a successor shall be elected pursuant to Tennessee Code Annotated § 2-14-202 (d) by the qualified voters of the district in which the vacancy occurred. The successor shall serve the remainder of the original term.

SECTION _____. Tennessee Code Annotated § 2-14-202 (a) is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) If twelve (12) months or more remain prior to the next regular election for members of the general assembly, the governor shall, by writs of election, order a special election to fill such vacancy.

SECTION _____. Tennessee Code Annotated § 2-14-202 (d) is amended by deleting the subsection in its entirety and by substituting instead the following:

(d) (1) If a vacancy occurs in the state senate in a seat with more than two (2) years remaining in the term, but less than twelve (12) months before the next general election for members of the general assembly, candidates for the primary elections and independent candidates shall qualify at the regular qualifying deadline for state elections.

(2) If a vacancy as described in (d) (1) occurs after the seventh day before the regular qualifying deadline for statewide offices, candidates for the primary elections and independent candidates shall file the necessary qualifying petitions before twelve o'clock (12:00) noon, prevailing time, on the sixth Thursday before the day of the primary election. Any candidate wishing to withdraw shall do so before twelve o'clock (12:00) noon, prevailing time, on the fourth day after the qualifying deadline.

(3) If a vacancy as described in (d) (1) occurs after the sixth Thursday before the primary election, the members of the county executive committees who represent the precincts composing such senate district may nominate a candidate to appear on the November election ballot by any method authorized under the rules of the party. The procedure to be followed by an executive committee shall be the same as set forth in § 2-13-204 (b) (4). Persons so chosen shall be certified to every county election commission wholly or partially in the district by twelve o'clock (12:00) noon, prevailing time, on the forty-fifth day prior to the regular November election.

Independent candidates shall qualify by filing petitions as provided for in § 2-5-104 by twelve o'clock (12:00) noon, prevailing time, on the forty-fifth day prior to the regular November election. Any candidate wishing to withdraw shall do so before twelve o'clock (12:00) noon, prevailing time, on the fourth day after the qualifying deadline.

(4) If a vacancy as described in (d) (1) occurs within forty-five days of the next general election for legislators, the candidate receiving the highest number of write-in votes at such election shall be elected.

SECTION _____. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 1 and 3 to **House Bill No. 3055**, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2532 -- Courts, Juvenile - Creates "Tennessee Teen Court Program of 2000." Amends TCA Title 37, Chapter 1. by *Fowlkes, *Hood, *Eckles, *Turner (Hamilton), *Williams (Williamson), *Goins, *Maddox, *DeBerry J, *DeBerry L, *Chumney, *Montgomery, *Walker (Rhea), *Bowers, *Kent, *McDaniel, *Cole (Carter), *Langster, *Jones U (Shelby). (*SB2340 by *Graves)

Further consideration of House Bill No. 2532 previously considered on today's Message Calendar.

Senate Amendment No. 1

AMEND House Bill No. 2532 by adding an additional clause to the preamble, immediately after the last "and" and preceding the last whereas clause, as follows:

WHEREAS, The Tennessee Council of Juvenile and Family Court Judges has endorsed the concept of a teen court; and

AND FURTHER AMEND BY deleting the word and number "nineteen (19)" in the last whereas clause of the preamble, and by substituting instead the word and number "forty-five (45)"

AND FURTHER AMEND BY deleting subitem 37-1-702(b)(2) in Section 1 of the bill and by substituting instead the following:

(2) When a juvenile court determines that a case is appropriate to be handled by the teen court, the teen shall be informed by the court of the procedures for teen court disposition and shall be given an opportunity to enter a waiver of rights to participate in a teen court disposition. The court shall inform the teen that if the teen enters a waiver, including a waiver of any right for an attorney to be present during the dispositional stage, a teen court may be empanelled to hear evidence on disposition; it shall deliberate; and shall make a recommendation to the judge for disposition of the case which may be confirmed by the juvenile court without further proceedings. If the teen elects to not enter a waiver, the judge shall proceed with the case as provided by law without referral to the teen court.

AND FURTHER AMEND BY deleting the words "any right" after the words "waiver of" and before the words "to have" and by substituting instead the language "rights, including any right" in Section 37-1-702(c)(3) in section 1 of the bill.

AND FURTHER AMEND BY adding the words "attempt to" after the words "The judge shall" and before the words "choose teens" in the fifth sentence of Section 37-1-702(f)(1) in section 1 of the bill.

AND FURTHER AMEND BY deleting the word "shall" and by substituting instead the word "may" after the language "a teen court," and before the words "hold juvenile court" in the first sentence of Section 37-1-702(h) in section 1 of the bill.

AND FURTHER AMEND BY adding the following as new subsections to Section 37-1-702 in section I of the bill:

(i) Each participant in teen court proceedings shall have the same immunity provided by law for judicial proceedings.

(j) All records used in, or otherwise related to, teen court proceedings shall be confidential to the full extent provided by current law, except as necessary to permit functioning of the teen court. Nothing contained in this section shall, in any manner, alter the confidentiality of records or proceedings under current juvenile court law.

Rep. Fowlkes moved that the House nonconcur in Senate Amendment(s) No(s). 1 to House Bill No. 2532, which motion prevailed.

Senate Amendment No. 2

AMEND House Bill No. 2532 by deleting subdivision (e)(1)(F) of amendatory Section 37-1-702 of Section 1 of the printed bill, which reads as follows:

(F) Participation in court-approved peer discussions or counseling groups;

Rep. Fowlkes moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2532**, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Whitson, **House Bill No. 1213** was recalled from the Calendar and Rules Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Sands moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 707 out of order, which motion prevailed.

***House Joint Resolution No. 707** -- Memorials, Government Officials - Encourages governor to recognize May 9, 2000 as "Equal Pay Day." by *Sands, *McMillan, *Pruitt, *Jones, S., *Langster, *Chumney, *Brooks, *Bowers, *DeBerry L, *Eckles, *Turner (Hamilton), *Harwell, *Black, *Beavers, *Cooper B.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Sands, the resolution was adopted.

A motion to reconsider was tabled.

BILL RE-REFERRED

Rep. Walley moved that House Bill No. 3290 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

RULES SUSPENDED

Rep. Brooks moved that the rules be suspended for the purpose of introducing House Resolution No. 212 out of order, which motion prevailed.

House Resolution No. 212 -- Memorials, Personal Achievement - Candace Bolden. by *Brooks.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Brooks, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Brooks moved that the rules be suspended for the purpose of introducing House Resolution No. 214 out of order, which motion prevailed.

House Resolution No. 214 -- Memorials, Personal Achievement - Tarris Smoot. by *Brooks.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Brooks, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Brooks moved that the rules be suspended for the purpose of introducing House Resolution No. 213 out of order, which motion prevailed.

House Resolution No. 213 -- Memorials, Personal Achievement - Ryan Hancock. by *Brooks.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Brooks, the resolution was adopted.

A motion to reconsider was tabled.

BILL RE-REFERRED

Rep. McMillan moved that House Bill No. 2773 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2688: Rep(s). Williams, White and Scroggs as prime sponsor(s).

House Bill No. 3165: Rep(s). Cole (Dyer) as prime sponsor(s).

House Bill No. 3307: Rep(s). Buck as prime sponsor(s).

ENGROSSED BILLS

May 8, 2000

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 2188 and 2845.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 8, 2000

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 658; concurred in by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 8, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1189; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 8, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 262 and 3122; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 8, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1601; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 8, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2650; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

ENGROSSED BILLS

May 8, 2000

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2159.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 8, 2000

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2027, 2171, 2332, 2434, 2452, 2759, 2769, 2842, 3118, 3317, 3318, 3319, 3321, also, House Joint Resolution(s) No(s). 567, 589, 662, 663, 664, 665, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 679, 680, 681, 682, 683, 684, 686, 687, 688, 689, 690, 691 and 707.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 8, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 73, 1574, 2095, 2114, 2129, 2181, 2188, 2226, 2352, 2429, 2490, 2572, 2845, 2959, 2986 and 3033; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 8, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2159 and 3248; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 8, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2921; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE
May 8, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 536 and 819; all adopted for concurrence.

RUSSELL HUMPHREY, Acting Chief Clerk.

***Senate Joint Resolution No. 536** -- Memorials, Congress - Urges provision of lifetime health care to military retirees of 65 years and older. by *Cooper, *Dixon, *Kyle, *Williams.

Senate Joint Resolution No. 819 -- Memorials, Public Service - Betty Richards. by *Haynes.

MESSAGE FROM THE SENATE
May 8, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 394, 1269, 2090, 2091, 2096, 2260, 2472, 2491, 2570, 2741, 3055 and 3057; all passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

***Senate Bill No. 394** -- Highways, Roads and Bridges - Requires state, counties and municipalities to provide landowner with entire appraisal, including working documents, prior to filing a petition for condemnation for road purposes; requires state, counties and agents thereof to reveal entire appraisal, including working documents, when acquiring land by voluntary purchase for road purposes. Amends TCA Title 29, Chapter 17, Part 8 and Title 54. by *Herron. (HB840 by *Rinks)

Senate Bill No. 1269 -- Surveyors - Requires professional land surveyor to make reasonable efforts to notify adjoining landowners that survey will be performed instead of only notifying adjoining landowners upon whose land it is necessary to enter. Amends TCA Section 62-18-124. by *Springer, P, *Cooper. (*HB780 by *McDaniel)

***Senate Bill No. 2090** -- Sunset Laws - OSHA labor advisory council, June 30, 2004. Amends TCA Title 4, Chapter 29, and Title 50, Chapter 3. by *Springer, P, *Burchett, *Harper. (HB2436 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 2091** -- Sunset Laws - Department of labor and workforce development, June 30, 2004. Amends TCA Title 4, Chapter 29; Title 4, Chapter 3 and Title 50. by *Springer, P, *Dixon, *Burchett, *Harper. (HB2435 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 2096** -- Sunset Laws - Department of health, June 30, 2004. Amends TCA Title 4, Chapters 3 and 29. by *Springer, P, *Burchett, *Harper. (HB2427 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 2260** -- Sunset Laws - Occupational safety and health review commission, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 50, Chapter 3. by *Springer, P, *Burchett, *Harper. (HB2444 by *Kernell, *Garrett, *Brooks)

MONDAY, MAY 8, 2000 — SEVENTY-FIFTH LEGISLATIVE DAY

***Senate Bill No. 2472** -- Motor Vehicles, Titling and Registration - Authorizes department of safety to administratively issue collegiate plates for two-year and four-year colleges and universities located within the several states and District of Columbia; removes requirement that two-year college must be in-state to qualify for issuance Amends TCA Title 55, Chapter 4. by *Haun. (HB3107 by *Fowlkes)

Senate Bill No. 2491 -- Motor Vehicles, Titling and Registration - Authorizes issuance of new specialty earmarked license plates for National Rifle Association Amends TCA Title 55, Chapter 4. by *Haynes, *Kurita. (*HB2048 by *West, *Sharp)

Senate Bill No. 2570 -- TennCare - Changes requirement that comptroller do actuarial review of TennCare program from at least every two years to annual review. Amends TCA Section 71-5-188. by *Cooper. (*HB2366 by *Eckles)

***Senate Bill No. 2741** -- Hospitals and Health Care Facilities - Revises certificate of need requirements for certain mobile magnetic resonance imagers Amends TCA Section 68-11-106. by *Rochelle. (HB2788 by *Bone)

Senate Bill No. 3055 -- Aged Persons - Requires clear and convincing evidence that acts were intentional, fraudulent, malicious, or reckless in order to impose punitive damages in civil action for abuse or neglect, sexual abuse or exploitation. Amends TCA Section 71-6-120. by *Cohen. (*HB2955 by *Scroggs)

***Senate Bill No. 3057** -- Taxes, Real Property - Revises provisions on property tax exemptions for community and performing arts organizations. Amends TCA Section 67-5-223. by *Cohen. (HB3162 by *DeBerry J)

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 9:00 a.m., Thursday, May 11, 2000.